

Appendix D

November 10, 2003, Letter from the LBC and DEED



LOCAL BOUNDARY
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State of Alaska



ALASKA DEPARTMENT OF
EDUCATION
& EARLY DEVELOPMENT
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November 10, 2003

«PREFIX» «MAYOR»
«MUNICIPAL_NAME»
«STREET_ADDRESS»
«CITY», «STATE» «ZIP_CODE»

Dear «SALUTATION» «LAST»:

The 2003 Alaska Legislature directed the Local Boundary Commission and the Department of Education and Early Development to address matters relating to school consolidation. Specifically, the directive (page 10, section 1, chapter 83, SLA 2003) states as follows:

It is the intent of the legislature that (1) the Local Boundary Commission identify opportunities for consolidation of schools, with emphasis on school districts with fewer than 250 students, through borough incorporation, borough annexation, and other boundary changes; (2) the Local Boundary Commission work with the Department of Education and Early Development to fully examine the public policy advantages of prospective consolidations identified by the Local Boundary Commission, including projected cost savings and potential improvements in educational services made possible through greater economies of scale; and (3) the Local Boundary Commission with the Department of Education and Early Development report their findings to the legislature no later than the 30th day of the Second Session of the 23rd Legislature.

The directive calls for a report to be submitted by our two agencies to the Legislature by February 10, 2004. The enclosed letter from Senator Gary Wilken dated November 6, 2003, provides important details concerning the legislative directive.

The Local Boundary Commission and the Department of Education and Early Development are prepared to proceed with the school consolidation review as directed by the Legislature. Both agencies are sincerely interested in your views concerning the matter.

We recognize that there is a strong desire among Alaskans for independence in terms of control over fundamental services like education. Yet, we understand that a district may reach a point where it has too few students to provide suitable educational opportunities for students and reasonable financial efficiencies and economies of scale. Your views on the following two points are particularly important to us:

1. Given the considerable administrative and managerial duties associated with operating a public school district, at what point does the best interests of Alaska's children and the best interests of the general public compel school consolidation?

«PREFIX» «MAYOR»

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2. If some form of school consolidation is directed by the Alaska Legislature, what options should be considered first?

In terms of the first question, it is relevant to note that in 1986, the Alaska Legislature enacted a law (codified as Section 14.12.025 of the Alaska Statutes) prescribing that new school districts must have at least 250 students unless the Commissioner of the Department of Education determined that formation of a new district with fewer students "would be in the best interest of the state and the proposed district." AS 14.12.025, makes no reference to consolidation of existing districts. However, the directive from the 2003 Legislature does refer to the same student population threshold (i.e., less than 250 students).

No standards or criteria have ever been adopted to guide determinations when the creation of new school districts with fewer than 250 students "would be in the best interest of the state and the proposed school district." We would welcome your views on criteria that should be considered by our agencies with regard to school consolidation.

With regard to the second question, school consolidation can be brought about in a number of different ways. The enclosed letter from Senator Wilken carefully outlines a multitude of options.

Because the 2004 legislative session is fast approaching, it would be most helpful if you submitted your comments to us by November 26, 2003. Comments may be submitted for the record to either or both of us as noted below:

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Local Boundary Commission
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Anchorage, Alaska 99501-3510
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We look forward to your thoughtful comments regarding this crucial matter.

Cordially,



Darroll Hargraves
Chair
Local Boundary Commission



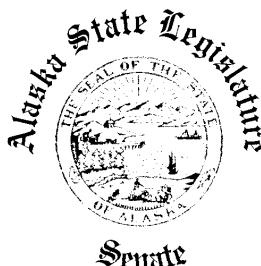
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Enclosure: letter from Senator Wilken dated November 6, 2003

GARY WILKEN

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November 6, 2003

The Honorable Darroll Hargraves
Chair
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The Honorable Roger Sampson
Commissioner
Dept. of Education
801 West 10th Street, Suite 200
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Dear Commissioners Hargraves and Sampson,

I regret that I was unable to attend your meeting of October 29, 2003 in Juneau concerning the legislative directive set out in the State operating budget (page 10, Section 1, Chapter 83, SLA 2003) regarding school consolidation matters. As the author of this intent language, I want to take this opportunity to clarify what I consider to be the intent of the Legislature.

This legislative directive is independent of any proposals currently before the Legislature and consists of three distinct components. The first requires *"the Local Boundary Commission [to] identify opportunities for consolidation of schools, with emphasis on school districts with fewer than 250 students, through borough incorporation, borough annexation, and other boundary changes."*

The language regarding this first component of the directive is not intended to exclude participation by the Department of Education and Early Development. Indeed, active involvement by the Department is as critical to the fulfillment of the legislative intent for the first component as it is to the other two components of the project. In this legislative directive, student populations should be based on resident average daily membership figures.

The term "boundary changes" used in the directive is to be broadly construed in a manner consistent with constitutional records, rulings of the Alaska Supreme Court, opinions of the Attorney General's office, and the previously expressed views of the Local Boundary Commission. Specifically, "boundary changes" may include any action under the jurisdiction of the Local Boundary

Proudly Representing the Golden Heart of Alaska

The Honorable Darroll Hargraves

The Honorable Roger Sampson

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Commission (i.e., municipal incorporation, annexation, dissolution, merger, consolidation, detachment, and city reclassification). For purposes of this effort, the term may also include annexation, dissolution, merger, consolidation, and detachment to or from a regional educational attendance area.

The second component of the legislative directive requires *"the Local Boundary Commission [to] work with the Department of Education and Early Development to fully examine the public policy advantages of prospective consolidations identified by the Local Boundary Commission, including projected cost savings and potential improvements in educational services made possible through greater economies of scale."* As is reflected in the language, this component should also be a joint effort between the Local Boundary Commission and the Department of Education and Early Development. I want to stress that the language is not intended to limit the examination to just "public policy advantages" of consolidation. The review by your two agencies should be balanced and, therefore, address any public policy "disadvantages" associated with school consolidation.

The last component of the legislative directive requires *"the Local Boundary Commission with the Department of Education and Early Development [to] report their findings to the legislature no later than the 30th day of the Second Session of the 23rd Legislature."* The deadline for submission of the report to the Legislature is February 10, 2004. I recognize that both the Local Boundary Commission and the Department of Education and Early Development have heavy workloads and limited resources. Nonetheless, it would be ideal if the agencies held joint hearings in at least some of the communities that could be affected by consolidation.

Like the term "boundary changes," the term "school consolidation" should be broadly construed. There are at least three fundamental options for "school consolidation" that should be addressed in the report to the Legislature. Those are outlined below.

(1) Consolidation of particular schools. Consolidation of particular schools might occur as a result of various conditions. One of which is what I would term "indirect circumstances." An example of indirect circumstances that might lead to the consolidation of particular schools is the construction of a new road linking two nearby communities, thereby allowing consolidation of separate schools in each community into one. Since it is difficult to anticipate such indirect circumstances, there is no need to address them in the report to the Legislature.

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Consolidation of schools might also occur through formal boundary changes (e.g., combining two adjacent schools through annexation of one district or a portion of one district to another district, merger of two or more districts, reclassification of a city, et cetera). The Department of Education and Early Development should advise the Local Boundary Commission of particular schools in Alaska that might lend themselves to consolidation through boundary changes. The Local Boundary Commission should then address the prospects for accomplishing consolidation of those schools through boundary changes.

In addition, consolidation of schools might also occur under AS 14.14.110(a) which states, "When necessary to provide more efficient or more economical educational services, a district may cooperate or the [Department of Education and Early Development] may require a district to cooperate with other districts, state-operated schools, or the Bureau of Indian Affairs in providing educational or administrative services." The Department of Education and Early Development should identify opportunities for consolidation of particular schools through such circumstances. Of course, if the Local Boundary Commission has views on the topic, those views should also be considered.

(2) Consolidation of school functions. A second option for "school consolidation" involves the prospect for combining particular education-related duties and activities. Examples of such might include consolidation of professional services such as district management, accounting functions, grant writing, or fulfillment of reporting requirements for all districts in a particular region. Another example might be the opportunity for bulk purchases such as supplies or fuel for districts in a large region. While the Local Boundary Commission might have contributions to make concerning this option, the Department of Education and Early Development should take the lead with respect to the prospect of consolidation of school functions.

(3) Consolidation of specific school districts. In reviewing this option, emphasis should be placed on the prospect for consolidation of school districts with fewer than 250 students. As noted earlier, the review should be based on resident students, not correspondence students.

In its routine reporting activities, the Department of Education and Early Development has, of course, already identified districts with fewer than 250 students. In addition to this list of districts, the Department of Education and Early Development should determine whether consideration should be given to the prospect of consolidating any school district with 250 or more students. If so, the department should advise the Local Boundary Commission.

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The Local Boundary Commission should address opportunities for consolidation of school districts with fewer than 250 students and any other districts identified by the Department of Education and Early Development. Consideration should be given to the prospect of consolidation of school districts through borough incorporation; borough or REAA annexation; borough or REAA merger; borough consolidation; borough, city, or REAA dissolution; city reclassification¹ or any other means that may be appropriate. Consideration should also be given by your two agencies to possible legislative actions that would accomplish school consolidation.

I hope this letter is helpful in carrying out the respective duties of your agencies. I realize the magnitude of this task and appreciate your willingness to undertake this important review. Your arms-length analysis of our current educational system will help the Legislature to determine if there is a better way, and possibly a cheaper way, to educate Alaska's youth than our present system of 53 independent school districts.

Thank you for your time and effort and if you have questions or wish to discuss this matter, please contact me.

Sincerely,



Gary Wilken
Senator, Fairbanks

cc: The Honorable Frank Murkowski, Governor
The Honorable Gene Theriault, Senate President
The Honorable Pete Kott, Speaker of the House of Representatives
The Honorable Lyda Green, Co-Chair, Senate Finance Committee

¹The terms "REAA" and "regional educational attendance area" used in this letter include districts formed under AS 14.08.031 and "federal transfer REAAs" formed under Chapter 66 SLA 1985.

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